

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.)	
State Engineer,)	No. 69 CV 07941 MV/KK
)	
Plaintiff,)	Rio Chama Adjudication
)	
v.)	Pueblo Claims Subproceeding 1
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	
)	

JOINT STATUS REPORT

Pursuant to this Court's Order of October 17, 2016 (Document 11170), the undersigned Parties submit this Joint Status Report. The Parties are discussing possible resolution of all of Ohkay Owingeh's water rights claims to all sources of water. As a result, this Joint Status Report is being filed simultaneously in the companion case styled *State of New Mexico ex rel. State Engineer v. Abbott*, No. 68-cv-07488 (MV/WPL).

1. Settlement Negotiations

Since the last status report, Ohkay Owingeh has held separate discussions with different Parties on some or all of the following topics: 1) Ohkay Owingeh's water quantification proposal and development of sources of water related thereto; 2) development of a groundwater model for use in the discussions and implementation of a settlement agreement; and, 3) legal and technical issues related to mutual benefit water projects. Progress is being made on each of these topics and the discussions on these and related topics are continuing.

Ohkay Owingeh had meetings with one or more of the negotiating Parties on the following dates:

October 14: Telephonic meeting with counsel for various Parties

October 14: Ohkay Owingeh meeting with State Engineer

October 20: Telephonic meeting between Ohkay Owingeh and Federal Assessment Team

November 22: Telephonic meeting between Ohkay Owingeh and Federal Assessment Team

December 1: In-person meeting among various settlement Parties

In-person meeting between Ohkay Owingeh and City of Española

January 19: In-person meeting between Ohkay Owingeh and Federal Assessment Team

In addition, counsel for Ohkay Owingeh have met frequently with the Pueblo's leadership to discuss the development of settlement proposals. Ohkay Owingeh's discussions with the Federal Assessment Team have focused on the feasibility of certain water infrastructure projects.

2. Scheduling Dispositive Motions

The resumption of litigation would hamper the negotiating Parties' efforts to resolve Ohkay Owingeh's water rights claims through negotiations. The undersigned Parties are committed to continuing the negotiation process. Another meeting is scheduled for February 22, 2017. As a result, the undersigned Parties do not anticipate the need for the Court to schedule the filing and briefing of motions for summary judgment or other dispositive motions within the next four months.

3. Rescheduling the Trial

For the same reasons, the undersigned Parties do not believe that the trial should be scheduled at this time.

4. Other Matters

The undersigned Parties suggest that the Court require the filing of a joint status report four months from now, June 9, 2017, at which time they will report to the Court on their progress and on the question of whether they believe the Court should schedule dispositive motions or otherwise resume litigation. The City of Española notes that it does not object to this Joint Status Report.

Dated: February 10, 2017

Respectfully submitted,

/s/ Curtis G. Berkey

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of February, 2017, I filed the foregoing electronically through the CM/ECF system, which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Curtis G. Berkey

Curtis G. Berkey